

To: Reisner, Bob (DEQ)[REISNERR@michigan.gov]
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From: Kamke, Sherry
Sent: Fri 1/16/2015 3:07:30 PM
Subject: RE: Federal Definition of Refined Petroleum

Hello Bob,

We heard that the legislation passed at the end of the year. That is good news.

We don't believe that there is a definition of "refined petroleum" in the statutes or regulations. The regulated substance definition in our underground storage tanks (UST) regulations [Code of Federal Regulations (CFR) Part 280] is the closest we have to that. The regulatory definition mirrors the statutory one. It is possible the preamble to the original rule discusses it, but it's not in the statute or regulations.

Our definitions in the UST regulations for "Petroleum" as a subset of "Regulated substance" and "Heating oil" and Motor fuel" are below.

40 CFR §280.12 Definitions.

Regulated substance means:

(a) Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under subtitle C), and

(b) **Petroleum**, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

The term "regulated substance" includes but is not limited to **petroleum and petroleum-based substances** comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils." (emphasis added)

“Heating oil means petroleum that is No. 1, No. 2, No. 4—light, No. 4—heavy, No. 5—light, No. 5—heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.”

“Motor fuel means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.”

We found some information about refined petroleum on EPA’s website but this is from the Superfund – Emergency response program. See link below.

<http://www2.epa.gov/emergency-response/types-refined-petroleum-products>

I hope this information is helpful to you. Please let me know if you have any questions.

Thanks,

Sherry

Sherry A. Kamke

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From: Reisner, Bob (DEQ) [mailto:REISNERR@michigan.gov]

Sent: Thursday, January 15, 2015 7:11 AM

To: Kamke, Sherry

Subject: Federal Definitin of Refined Petroleum

Hi Sherry,

Our legislation which created our new UST cleanup reimbursement fund was passed on December 30th. I am assisting in the preparation of materials that the Michigan DEQ will soon be sending regarding this matter. In order to help answer one of the questions that you had for my Division Chief, Bob Wagner, I would appreciate it if you could point me to where I can find the federal definition of "refined petroleum"

I look forward to your response and working with you.

Robert Reisner

Chief, Information Management Unit

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